

REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application. This application has been carefully reviewed in light of the Official Action mailed December 3, 2002. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Nos. 5,832,447 to Rieker et al. and 6,067,522, issued to Warady et al.

The Examiner stated that:

"Rieker discloses a database for use in a web-based managed care transaction system (Col. 5, lines 25-67 to Col. 6, line 12), comprising:

a memory (Col. 7, lines 59-67 to Col. 8, line 24); and a set of data tables organized into a logical entity in the memory and including for each member (Col. 8, lines 25-49):

a master account table (Col. 7, lines 24-47, The Examiner interprets capture process to be a form of master account table). Rieker does not explicitly disclose a member table; and

a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan.

However, these features are known in the art, as evidenced by Warady. In particular, Warady suggests a member table which the Examiner interprets to be an employee status table (See Col. 5, lines 6-13); and

a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan (See Warady Col. 5, lines 6-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Warady within the system of Rieker with the motivation of providing one health and welfare benefit plan provider as a result of the enrollment of the at least one person in the at least one health and welfare benefit plan in accordance with the data entered into the one of the single computerized database management (See Warady Col. 3, lines 6-25)."

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Nos. 5,832,447 to Rieker et al., 6,067,522 to Warady et al., and 6,263,330 to Bessette.

The Examiner stated that:

"Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rieker et al (5,832,447), Warady et al (6,067,522) and Bessette (6,263,330).

Rieker discloses a database for storing a set of data tables organized into a logical entity and including for each member (see Rieker Col. 8, lines 25-49) :

a master account table (See Rieker Col. 7, lines 24-47, The Examiner interprets capture process to be a form of master account table); a member table which the Examiner interprets to be an employee status table (See Warady Col. 5, lines 6-13); and

a set of one or more member history tables associated with the member table, each member

history table associated with a given employer plan (See Warady Col. 5, lines 6-54). The collective teachings of Rieker and Warady do not explicitly disclose a web-based managed care transaction system accessible over a computer network using a client browser, comprising a transaction server.

However, these features are known in the art, as evidenced by Bessette. In particular, Bessette suggests a web-based managed care transaction system accessible over a computer network using a client browser, comprising a transaction server (See Bessette Col. 14, lines 38-67 to Col. 15, line 67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Bessette within the collective teachings of Rieker and Warady with the motivation of providing a network system for distributed storage of records, said network system including: a server managing a database, said database containing a plurality of records of respective individuals (See Bessette Col. 5, lines 29-32)."

The Applicant respectfully traverses the Examiner's statement that these features are well known in the art. Furthermore, the Applicant respectfully requests that the Examiner clearly demonstrate how these features are well known in the art.

Applicant respectfully points out that in order to combine references for an obviousness rejection, there must be some teaching, suggestion or incentives supporting the combination. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q. 2d 1397, 1399 (Fed. Cir. 1989). The mere fact that the prior art could be modified does not make that modification obvious unless the prior art suggests the desirability of the

modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, it is well established that Applicant's disclosure cannot be used to reconstruct Applicant's invention from individual pieces found in separate, isolated references. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988).

Applicant respectfully submits that there is no motivation, teaching or suggestion to combine Rieker et al. with Warady et al. Therefore, the rejection on a combination of these references is inappropriate. Withdrawal of the rejection allowance of Claims 1-12 respectfully requested.

Applicant further submits that neither Rieker et al. or Warady et al. alone nor the combination of the two teaches or suggests make obvious the invention recited in Claim 1. Claim 1, as amended, claims a logical entity within the database that persists as the member or user changes their employment status, healthcare options or eligibility. Rieker et al. merely teaches that data supplied during the "capture process" issued to determine an "indication of insurance eligibility." (5,832,447 Col. 7, lines 24-27). Thus, Reiker is clearly distinguishable to the claimed invention.

The Applicant further submits that the claimed invention can be distinguished from the capture process taught in Rieker et al. The present invention uses a persistent database that maintains and coordinates data within a member account or healthcare record strewn across multiple enterprises. Thus, the present invention ensures records are matched to the individual. No similar verification of records across various enterprises is made in Rieker et al.

The Applicant submits that Warady et al. also fails to teach a logical entity that persists and maintains a continuous healthcare record despite changes in employment, eligibility, and healthcare plans.

Warady et al. merely teaches that a database may be used to complete forms associated with a single specific healthcare plan.

In regard to Claim 12 and Bessette, the Applicant submits that Bessette again fails to teach a network-based managed care system. Bessette fails to teach the administrative toolset provided by the presentation which provides a persistent logical entity that spans a members change in healthcare plans, employers, and eligibility. Bessette teaches that medical information, not administrative health care plan data, may be shared between health care providers. Bessette fails to teach that a persistent logical entity may be used to complete and more efficiently process and manage healthcare. Therefore, the Applicant respectfully submits that it is inappropriate to apply the teachings of Bessette to the claimed invention.

Applicant, therefore, respectfully requests the Examiner to reconsider and withdraw the rejection to allow Claims 1-12.

Claims 2-11 depend from independent Claim 1 now allowable, and are patentably distinct as further limitations upon Claim 1. As such, Applicant respectfully requests the Examiner withdraw the rejections and allow Claims 2-11.

Additional Claims

Claims 13-20 have been added to more particularly claim the invention with regard to the above stated limitations. These claims more particularly claim a network-based managed care system.

Conclusion

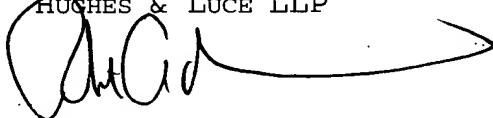
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment.

The attached page is captioned "Marked-Up Copy Of Claims According To 37 CFR § 1.121(c)(1)(i)".

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 2-12, and new Claims 13-20.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-1343 of Hughes & Luce LLP.

Respectfully submitted,
HUGHES & LUCE LLP

A handwritten signature in black ink, appearing to read "R. McLauchlan". It is enclosed in a large, thin-lined oval.

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MARKED-UP COPY OF CLAIMS ACCORDING TO 37 CFR § 1.121(c)(1)(i)

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1. (Amended) A database for use in a web-based managed care transaction system, comprising:
a memory; and
a set of data tables organized into a logical entity in the memory and including for each member:
a master account table;
a member table; and
a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan, wherein said logical entity is persistent over changes to each members' changes within said employer plan.
2. The database as described in Claim 1 wherein the set of data tables includes an employer table having associated therewith a set of one or more employer plan tables.
3. The database as described in Claim 2 wherein a given employer plan table identifies a given employer plan.
4. The database as described in Claim 2 further including a managed care organization (MCO) table having associated therewith a set of one or more MCO product plan tables.
5. The database as described in Claim 4 wherein a given MCO product plan table has associated therewith the set of one or more employer plan tables.
6. The database as described in Claim 1 wherein a given member history table has associated therewith a set of one or more coordinated benefits tables.

7. The database as described in Claim 1 wherein a given member history table has associated therewith a set of one or more assigned primary care physician (PCP) tables.

8. The database as described in Claim 7 wherein an assigned PCP table has associated therewith a provider affiliation table.

9. The database as described in Claim 1 wherein the set of data tables further includes a provider information table.

10. The database as described in Claim 1 wherein the provider information table includes a set of one or more provider affiliation tables, a set of one or more hospital affiliation tables, and a set of one or more provider staff tables.

11. The database as described in Claim 1 wherein the set of data tables includes a staging area table that includes data which tracks the member through various transaction events.

12. (Amended) A web-based managed care transaction system accessible over a computer network using a client browser, comprising:

a transaction server;
a database for storing a set of data tables organized into a persistent logical entity wherein said logical entity maintains data on each member in spite of status changes and including for each member:

a master account table;
a member table; and

a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan.

13. (New) A network-based managed care system comprising a network based server; at least one client machine on which a graphical user interface operates; a network based subsystem comprising:

a multiplexer;

a plurality of functional modules;

a transaction processor; and

a database wherein a logical entity retains data representative of users received healthcare within said database persistent across changes to a user's healthcare plan; and

a managed care organization (mco) subsystem interfaced to said transaction processor.

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14. (New) The network-based managed care system of Claim 13 wherein said functional modules comprise:

an enrollment module;

billing module;

messaging module; and

inquiry module.

15. (New) The network-based managed care system of Claim 13, wherein changes to a user's health plan occur as a user changes employment.

16. (New) The network-based managed care systems of Claim 13, wherein changes to a user's health plan occur as a user changes their healthcare plan.

17. (New) The network-based managed care system of Claim 13 wherein the network comprises an Internet.

18. (New) The network-based care system of Claim 13
wherein said database contains a historical record of care
provided to said user.

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Cont'd*
19. (New) The network-based managed care system of
Claim 13 wherein said persistent logical entity comprises a
healthcare administrative record.

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20. (New) The network-based managed care system of
Claim 19 wherein said persistent logical entity spans a user's
change in employment plans.